

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

1-800 WATER DAMAGE
INTERNATIONAL, LLC,

Plaintiff,

v.

Civil Case No. 24-10110
Honorable Linda V. Parker

RESTORATION RX, LLC, et al.,

Defendants.

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**OPINION AND ORDER GRANTING UNOPPOSED MOTION TO
WITHDRAW**

Pending before the Court is a motion to withdraw filed by Defendants' counsel in this matter: Mark W. Peyser and Howard & Howard Attorneys, PLLC. (ECF No. 20.) The stated reason for counsel's request to withdraw is irreconcilable differences. Defense counsel represents that the Defendants instructed him to file the motion to withdraw.

The Court finds good cause for defense counsel to withdraw and that such withdrawal can be accomplished without material adverse effect on Defendants' interests. *See* Mich. R. Prof'l Conduct 1.16. The Court is staying the proceedings for 30 days to allow Defendants to retain new counsel. As a corporate entity, Defendant Restoration RX, LLC cannot proceed in this matter without an attorney. *See, e.g., Rowland v. California Men's Colony*, 506 U.S. 194, 201-202 (1993)

(citing cases); *Doherty v. American Motors Corp.*, 728 F.2d 334, 340 (6th Cir.1984) (citations omitted). When a corporation declines to hire counsel to represent it, the court may properly dismiss its claims, if it is a plaintiff, or strike its defenses, if it is a defendant. *Greater Southeast Cmty. Hosp. Found., Inc. v. Potter*, 586 F.3d 1, 5 (D.C. Cir. 2009) (citing *Donovan v. Road Rangers Country Junction, Inc.*, 736 F.2d 1004, 1005 (5th Cir. 1984) and *Strong Delivery Ministry Ass’n v. Bd. of Appeals of Cook Cnty.*, 543 F.2d 32, 33 (7th Cir. 1976)).

Accordingly,

IT IS ORDERED that defense counsel’s motion to withdraw (ECF No. 20) is **GRANTED** and Mark W. Peyser and Howard & Howard Attorneys, PLLC shall be terminated as counsel. Defendants’ counsel shall serve a copy of this Opinion and Order on Defendants and must file a proof of service with the Court.

IT IS FURTHER ORDERED that this matter is **STAYED** for 30 days to allow Defendants to retain new counsel, who shall file a written appearance on the docket before the 30 days expires.

IT IS FURTHER ORDERED that Defendants’ failure to retain counsel and for counsel to enter a written appearance within 30 days of this Opinion and Order will result in Defendant Restoration RX, LLC’s defenses being stricken without further notice of the Court, and the Court will conduct further proceedings

in its absence in accordance with the law.

SO ORDERED.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: January 10, 2025